

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
: S1 17-cr-722 (VSB)
-against- :
:
SAYFULLO HABIBULLAEVIC SAPOV, :
:
Defendant. :
:
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ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of a letter from defense counsel David Stern concerning the issue of whether the Court should require a fully vaccinated jury. (Doc. 486.) I assume that Mr. Stern's letter is not intended to be the Defense team's full briefing on masking and vaccination issues. Accordingly, it is hereby

ORDERED that on or before August 19, 2022, the Defense file any request concerning masking and/or vaccination requirements for jury selection and trial. Specifically, such briefing should address the following:

- Whether Mr. Saipov has been vaccinated, and if so, with which vaccine and how many doses;
- Whether any members of the Defense team are unvaccinated;¹
- How the Defense proposes to define "fully vaccinated" for purposes of the jury selection and trial (i.e., one dose, two doses, two doses with at least one booster); and
- Whether the Defense requests the Court seek proof of each juror's vaccination status.

¹ In asking this question, I am not considering excluding any lawyers from the trial based on their vaccination status.

In accordance with my Individual Rule 5(B), the Defense may redact from its filing any reference to medical records, including information regarding treatment and diagnosis, and file an unredacted copy under seal by ECF.

IT IS FURTHER ORDERED that on or before August 24, 2022, the Defense indicate whether it intends to request Mr. Saipov be permitted to take breaks to pray during jury selection and trial, and, if so, to provide the daily prayer schedule Mr. Saipov intends to adhere to for the months of October, November, and December 2022, and January 2023.

IT IS FURTHER ORDERED that on or before August 25, 2022, the Government file any response to the Defense request(s) concerning masking and/or vaccination requirements during jury selection and trial. The Government's response should address whether any members of the Government team are unvaccinated² and whether the Government's position is contingent on a waiver from the Defendant, and if so, what such a waiver would entail.

SO ORDERED.

Dated: August 16, 2022
New York, New York


Vernon S. Broderick
United States District Judge

² In asking this question, I am not considering excluding any lawyers from the trial based on their vaccination status. Likewise, in accordance with my Individual Rule 5(B), the Government may redact from its filing any reference to medical records, including information regarding treatment and diagnosis, and file an unredacted copy under seal by ECF.